

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: MINERVA ATIENZA

Debtors:

Case Number: 08-58867 PJS
Chapter 13
Judge SHEFFERLY

WILLIAM D. JOHNSON (P54823)
ACCLAIM LEGAL SERVICES, P.L.L.C.
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**DEBTOR'S MOTION TO COMPEL CREDITOR, AMERICAN GENERAL
FINANCE, TO TAKE POSSESSION OF COLLATERAL SURRENDERED
PURSUANT TO CHAPTER 13 PLAN OR IN THE ALTERNATIVE RELEASE
LIEN**

Counsel for debtor hereby states the following;

1. Debtor filed for relief pursuant to Chapter 13 of the United States Bankruptcy Code on August 5, 2008.
2. Debtors filed and the court subsequently confirmed a Chapter 13 Plan which proposes to surrender her 1995 Pontiac Grand Am (hereinafter referred to as the "collateral") to the creditor, American General Finance.
3. The collateral is inoperable.
4. Despite the Plan being confirmed nearly 3 months ago without any objection from creditor, American General Finance has refused to repossess the collateral.
5. Furthermore, creditor has refused to release the lien in order to allow the Debtor to properly dispose of the vehicle by donating the vehicle.
6. Creditor's actions in failing to repossess the collateral and failing to release the lien have been unduly burdensome on the Debtor who has been forced to store the vehicle.
7. Further, Debtor faces the potential of fines and penalties from her condominium association and the local municipality for having the vehicle on her property.
8. Creditor apparently does not want the collateral. As such, their refusal to release the lien is punitive in nature and has the potential endangering Debtor's reorganization effort.

WHEREFORE, Debtor requests the Debtor's motion be granted and that this Court order Creditor to repossess the collateral or alternatively release the lien and allow Debtor to dispose of the collateral.

Respectfully submitted,

Dated: January 29, 2009

/s/ William D. Johnson
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